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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF DENTISTRY

IN THE MATTER OF	:	
	:	Administrative Action
Cindy Adelstein, D.M.D.	:	
License No. 22DI01738700	:	CONSENT ORDER
	:	
LICENSED TO PRACTICE DENTISTRY	:	
IN THE STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Dentistry ("Board) upon receipt of information that respondent was allowing dental assistants to perform duties which are beyond their scope of practice and that respondent left the office while a patient was still undergoing treatment by a registered dental assistant. Information received alleged that employees of the respondent who were not registered dental assistants performed duties that included fabricating and cementing temporary crowns, cleaning permanent cement, taking impressions, changing orthodontic wires and elastics, and fabricating mouth guards. Additional information alleged that respondent left the office while a

registered dental assistant holding a curing light for a patient's temporary filling. Respondent was called back to the office because the patient, who had received endodontic treatment, complained of dizziness and a racing heart beat when the dental chair was brought to the upright position.

On May 30, 2007, respondent appeared with counsel, James Rudy, Esq., at an investigative inquiry of the Board. During the inquiry, respondent testified that she began her employment with Allan Monack, D.D.S. in 1995. In 1996, respondent and Dr. Monack formed a partnership and were in practice together until 2004, when she became a solo practitioner. Respondent testified that during this interval she was aware that Helen Panzarino, also known as Angel Atkins, a certified dental assistant, took pre-operative impressions for Dr. Monack to make a crown. Respondent acknowledged that other auxiliaries may have been performing duties outside the scope of their licenses, but could not recall any other specific incidents.

Respondent denied that she left the office while a registered dental assistant was performing light curing on a patient. Respondent gave her own recollection of the incident. Respondent testified that the patient had completed treatment and was heading out of the office when she left for lunch. After she left the office, the patient was called back to the operatory by a registered dental assistant to schedule his next appointment. The

patient sat down and was feeling dizzy and his heart was racing. Respondent was called to return to the office. Respondent stated that she received the telephone call before she had even left the parking lot. When she returned to the office, the patient was seated in the waiting room. Respondent stated that she wanted to call 911 but the patient refused this. The patient called his neurologist who said that he would take him right away. The patient then called his wife and arranged for her to take him there.

Respondent called the neurologist about 15 minutes later to see how he was doing. The neurologist reported the patient had a stroke and had been admitted to the hospital. The neurologist explained it was not uncommon for this to happen when you put an elderly patient back so far. The neurologist recommended that respondent use a pillow under the patient's head so as not to overextend the neck. Respondent reported that they subsequently purchased a pillow for this reason. Respondent testified that she would consider this incident a medical incident which should have been reported to the Board (pursuant to N.J.A.C. 13:30-8.8). She acknowledged that she should have called 911 and that she should have spoken with the patient's neurologist prior to the patient leaving the office.

Respondent testified she does not have an office policy as to what to do in the case of a patient emergency, such as a heart attack, stroke, or anaphylactic reaction. Respondent further

testified she does not have a crash cart. Respondent reported she does have an emergency box with medications, but could not confirm if the medicines were current or expired.

Having reviewed the entire record, including the testimony of respondent, it appears that respondent has permitted auxiliary staff to perform duties which are beyond their scope of practice. Specifically, respondent permitted Helen Panzarino, also known as Angel Atkins, a certified dental assistant, to take pre-operative impressions to make a crown. Pursuant to N.J.A.C. 13:30-2.4, a dental assistant must be registered in order to take impressions. The taking of impressions does not fall within the scope of practice for unregistered dental assistants under N.J.A.C. 13:30-2.6. It also appears that respondent failed to report an incident which required removal of a patient to a hospital in violation of N.J.A.C. 13:30-8.8.

These facts establish a basis for disciplinary action, pursuant to N.J.S.A. 45:1-21(e), in that respondent has engaged in professional or occupational misconduct as may be determined by the Board. These facts also establish a basis for disciplinary action, pursuant to N.J.S.A. 45:1-21(n), in that respondent permitted auxiliary staff to perform duties outside of the scope of their practice. Additionally, these facts establish a basis for disciplinary action, pursuant to N.J.S.A. 45:1-21(h), in that respondent has violated or failed to comply with provisions of any

act or regulation administered by the Board. It appearing that respondent desires to resolve this matter without recourse to formal proceedings and for good cause shown:

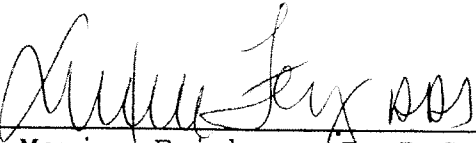
IT IS THEREFORE on this 19<sup>th</sup> day of March, 2008,

HEREBY ORDERED and AGREED THAT:

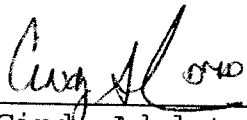
1. Respondent shall cease and desist aiding and abetting the unlicensed practice of dentistry and unlicensed assisting in the state of New Jersey.
2. Respondent is hereby assessed a civil penalty, pursuant to N.J.S.A. 45:1-22, in the amount of \$2,500.00 for permitting auxiliary staff to perform duties outside of the scope of their practice in violation of N.J.S.A. 45:1-21(e) and N.J.S.A. 45:1-21(n) and in failing to report an incident which required removal of a patient to a hospital in violation of N.J.S.A. 45:1-21(h), and in failing to maintain appropriate equipment, medication and policies in the event of a patient emergency.
3. Respondent is hereby ordered to successfully complete seven (7) hours of continuing education in emergency patient management within 60 days of the date of this order and to report to the Board that she has implemented all recommended measures, including obtaining a crash cart, developing office policies for emergencies, and ensuring that all medications are not expired, within 10 days thereafter.

4. Failure to comply with any of the terms of this consent order may result in further disciplinary action.

NEW JERSEY STATE BOARD OF DENTISTRY

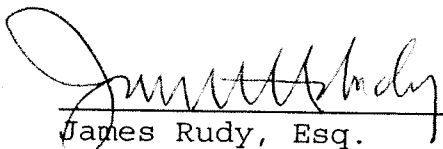
By:   
Maxine Feinberg, D. D.S.  
President

I have read the above Order,  
understand its terms, and  
agree to be bound by them.  
I consent to the entry of  
this Order by the Board of  
Dentistry.

  
Cindy Adelstein, D.M.D.  
Respondent

3/4/08  
Date

I consent to the entry of  
this order as to form.

  
James Rudy, Esq.

3/6/08  
Date